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|-----------------|-------------|----------------------|---------------------|------------------|
| 10/689,703      | 10/22/2003  | Hiroko Mogi          | 244211US6           | 4653             |

  

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| 22850  | 7590 | 09/25/2007 |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. |      |            |
| 1940 DUKE STREET                                 |      |            |
| ALEXANDRIA, VA 22314                             |      |            |

  

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| EXAMINER     |  |
| TRAN, NHAN T |  |

  

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| ART UNIT | PAPER NUMBER |
| 2622     |              |

  

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| NOTIFICATION DATE | DELIVERY MODE |
| 09/25/2007        | ELECTRONIC    |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/689,703

Applicant(s)

MOGI ET AL.

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/29/2007 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 8/29/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Specification***

3. Amendment to specification filed 8/29/2007 is accepted.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4 and 10-16 have been considered but are moot in view of the new ground of rejection.

In addition to the new ground of rejection, the Examiner would like to address the Applicant's arguments in which the Applicant asserts that the only arm member in Gelbard is the rod support base 110 shown in Fig. 9 (see Applicant's remarks, pages 6-7). In response, however, the claimed "arm member" is not necessarily the rod support base 110, it is also equated to the extension arm member 60 or 60' shown in Figs. 4, 6 & 8 of Gelbard for extending the viewfinder 38 toward the rear end of the camera body.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 & 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, there is insufficient antecedent basis for the limitation "said viewfinder" in line 5 of this claim.

Regarding claim 15, there is insufficient antecedent basis for the limitation "said second arm member" in this claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Gelbard (US 6,927,797).

Regarding claim 1, Gelbard discloses a video camera (Fig. 1) comprising:

a camera body (10) to image an object (col. 1, lines 4-8);

a mounting member (base assembly 24 having slot 120) removably installable on the camera body (Fig. 2; col. 3, lines 30-48);

a first arm member (an extension arm 60 or 60' shown in Figs. 4, 6 & 8 and col. 4, lines 29-57 and col. 5, lines 60-67) attached to said mounting member at a first end and attached to [said] viewfinder (38) at a second end to be adjacent to a side of said camera body, said first arm member extending from said mounting member towards a back of said camera body (see Figs. 6 & 8 which are associated with Fig. 1 for extending the viewfinder to the back of the camera body), being pivotably rotatable (at pivot locking ring 30) about said mounting member at said first end and being fixed to said viewfinder at said second end (see col. 4, lines 29-57 and col. 3, lines 42-48);

a viewfinder removably installed on the first arm member to display an image picked up by the camera body, the viewfinder including a display unit (40) to display an image thereon (see Fig. 4 and col. 4, lines 29-57).

Regarding claim 2, it is also seen in Fig. 4 of Gelbard that the display unit is removably installed to the first arm member (60) when the viewfinder (38) is removably installed to the first arm member as a whole.

Regarding claim 3, Gelbard clearly discloses that the camera body is provided with an accessory-part fixture (video input port at 126 or slot member 118 shown in Fig. 1) for fixing an accessory part to the video camera; and the display unit is removably installable to the accessory-part fixture (see Figs. 1, 2 & 4).

Regarding claim 4, Gelbard also discloses that at least either the accessory-part fixture or display unit has an auxiliary screw provided thereon (see Figs. 1, 6 & 8).

Regarding claim 10, it is also clearly seen in Gelbard in Fig. 4 that the video camera further comprises a fulcrum member (rotating member at pivot lock ring 30) connected to said mounting member; said first arm member being pivotable about said fulcrum member at said first end (see col. 3, lines 42-48).

Regarding claim 11, Gelbard further discloses a bracket (clamp bracket 96 shown in Fig. 8) connected to said viewfinder and longitudinally slidable along said first arm (see col. 5, line 64 – col. 6, line 1, wherein the user can slide the clamp bracket 96 to clamp the viewfinder 38 to a desired position).

Regarding claim 12, as shown in Figs. 4, 6 & 8 of Gelbard, the first arm member (60 or 60') has a bar shape (e.g., a cylinder bar shape).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelbard (US 6,927,797) in view of Yamada Kazuo (JP 10-191118 in the IDS filed 12/17/2003).

Regarding claim 13, Gelbard does not teach a second arm member having a first end pivotally mounted on said viewfinder and a second end adapted to be connected to a tripod.

However, it is well recognized by Kazuo that the extended viewfinder of a video camera is supported by a second arm member (19) that is connected to a tripod (10) so as to maintain the viewfinder at a constant height when the video camera is tilted downward on a tripod (see Figs. 1 & 3 and abstract and paragraph [0029]; it should be noted in Kazuo that the position of the viewfinder is independent from the camera posture to maintain the eyepiece 13 at a substantially constant position even when the camera is tilted downward).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Gelbard and Kazuo to construct a second arm member having a first end pivotably mounted on said viewfinder and a second end adapted to be connected to a tripod so that the eyepiece of the viewfinder is maintained at a constant height when the video camera is tilted downward on a tripod to minimize unnecessary head movement of the photographer/user as suggested by Kazuo.

Regarding claim 14, it is also seen in Kazuo that the second arm member has a bar shape (e.g., a cylinder bar shape shown in Figs. 1 & 3).

Regarding claim 15, the combined teaching of Gelbard and Kazuo also teaches that the second arm member is configured to have a telescopic operation (see Fig. 4 in Kazuo).

Regarding claim 16, this claim is also met by the analysis of claim 13.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NHAN T. TRAN  
Patent Examiner